

LINCOLN PLANNING BOARD

MARCH 26, 2014

APPROVED

The regular meeting of the Planning Board was held on Wednesday, March 26, 2014, at the Lincoln Town Hall, 100 Old River Road, Lincoln, Rhode Island.

Chairman Bostic called the meeting to order at 7:00 p.m. The following members were present: Kenneth Bostic, John Hunt, Gerald Olean, Timothy Griffin, William Murphy and Jeffrey Delgrande. Also in attendance were Town Planner Al Ranaldi, Town Engineer Leslie Quish and Town Solicitor Anthony DeSisto. Russell Hervieux kept the minutes.

The following member was absent from this meeting: Michael Reilly.

Chairman Bostic advised that six members were present; have quorum.

CONSENT AGENDA

Chairman Bostic reminded members that the consent agenda has four zoning applications and staff reports. A consent agenda is normally voted on in total unless a member motions to remove an item.

Motion was made by member Olean to accept the consent agenda as presented was seconded by member Griffin. Motion was approved by all members present.

Motion made by member Olean to modify the agenda by moving item #4, Shekarchi major subdivision application, after item #5, 90 Industrial Circle major land development. The motion was seconded by member Hunt. Motion was approved by all members present.

MAJOR LAND DEVELOPMENT REVIEW

a. 90 Industrial Circle AP 2 Lot 82 Preliminary Plan

**A.F. Homes, LLC Walker Street & Discussion/Approval
Industrial Circle**

Mr. Ranaldi stated that this application for a major land development is before the Board for preliminary plan review. The TRC has reviewed the application and the applicant has addressed all the concerns of the TRC. One of the conditions for approval is the easement for an existing Town sewer line on the property. The easement has not been drawn up yet. The TRC would be comfortable making a condition of final plan approval that this easement is in place. A note has been drawn up to add to the construction plans regarding the drainage line. The note says that when the applicant does the site work they will contact the Town and the Town will

investigate the drainage pipe located in front of the building. The Town will make a determination that it is in fact a Town drainage line and if so, the Town will take full financial responsibility with it. Therefore the TRC recommends approval with the conditions that the note be added to the construction plans and a utility easement be granted for the sewer line at final plan.

Joelle Sylvia, attorney for the applicant, made a presentation to the Board. Ms. Sylvia stated that a meeting was held between the applicant and the Town. The Town sewer line is on the property but has no bearing on this project as it will not be tied into at that point. The draft of the easement was not received by the applicant from the Town until this afternoon. Chairman Bostic clarified that the sewer line in question runs parallel to Walker Street. Ms. Sylvia explained that her client has an issue with the condition of the easement for this sewer line. The applicant is willing to grant an easement for this line however since it is not part of this project it should not be a condition of approval. Ms. Sylvia felt it is not legally proper to issue a condition on this project for something that has nothing to do with this project. Member Olean wanted an opinion from the Town Solicitor on this issue. Solicitor DeSisto explained that this is not a big issue. The project encompasses the development on this lot so a condition would be in order for the sewer line. Ms. Sylvia stated that the law says that the Board can only place conditions that have to do with the applied project. Several further discussions took place on this issue. Solicitor DeSisto reviewed plan C5 and noted to the Board that the

northerly property boundary, where the sewer line is located, has some plantings proposed which are also a condition. Ms. Sylvia stated that the plantings are on the plan per the Town zoning ordinance. Member Olean noted that the deadline for a decision by this Board is April 10, 2014. He asked Ms. Sylvia if the applicant was willing to extend that date of decision. Ms. Sylvia stated the applicant was not willing to extend the date. Further discussions took place on this debate.

Motion made by member Olean to take a short recess and modify the agenda to hear the next application and come back to this application later in the meeting. The motion was seconded by member Delgrande. Motion was approved by all members present.

MAJOR SUBDIVISION REVIEW

- a. Shekarchi Residence AP 19 Lot 147 Public Hearing – 7:00 pm**
John & Julie Shekarchi 14 Lladnar Drive Preliminary Plan
Discussion/Approval

Chairman Bostic called the Public Hearing to order at 7:28 pm. Roll call of the abutter's list was read by the recording secretary. There was one response to the reading of the abutter's list. Chairman Bostic called for any other abutter in the audience whose name was not read to be recognized. No responses were given.

Mr. Ranaldi stated that this application was elevated from a minor subdivision to a major subdivision. The application required zoning relief for frontage on the newly created lot. An analysis of the neighborhood was submitted and the TRC reviewed that analysis. The TRC agrees that this subdivision is consistent with the existing neighborhood. The applicant received master plan approval from this Board and also received an 80' lot width variance from the Zoning Board. The plan calls for a lot in the front that meets today's zoning and a large lot in the back with a variance which leaves 40' of frontage on Lladnar Drive. During this process it was discovered that a private force main was installed in the public road previously. An agreement for the ownership and maintenance of this line by the owners has been accepted by the Town and will be recorded. Barring any unforeseen concerns brought out at this meeting, the TRC recommends approval with conditions as listed in the TRC report.

Mary Shekarchi, attorney representing the applicant, made a brief presentation to the Board. Ms. Shekarchi stated that the applicant has reviewed the conditions recommended by the TRC and have no objection to them. The applicant would also request that final plan approval be delegated to the Administrative Officer.

Chairman Bostic opened up the meeting to comments from the public. No members of the public came forward.

Motion made by member Olean to close the public hearing at 7:39 pm

was seconded by member Murphy. Motion was approved by all members present.

Motion made by member Hunt to approve preliminary plan with conditions as listed in the TRC report and delegate final plan approval to the Administrative Officer. The motion was seconded by member Griffin. Motion was approved by all members present.

MAJOR LAND DEVELOPMENT REVIEW

a. 90 Industrial Circle AP 2 Lot 82 Preliminary Plan

**A.F. Homes, LLC Walker Street & Discussion/Approval
Industrial Circle**

Chairman Bostic recalled the application of 90 Industrial Circle.

Ms. Sylvia stated that the language proposed by the Town Solicitor for the sewer line issue is acceptable. The language states that the Town and applicant will resolve the legal status of the existing sewer line by way of a legal instrument prior to final plan approval. Ms. Sylvia also requested that final plan approval be delegated to the Administrative Officer. Member Olean asked if the Fire Department has ever reviewed this project and is a new water service needed for the fire protection. Armand Ferland, owner and applicant, responded that the water department and the fire department have both reviewed the plans and been on site. There is more than enough water to

service the building right now. Member Olean would like to see documentation from the fire department on this issue. Mr. Ferland stated that he will have that documentation forwarded to the Town.

Motion made by member Delgrande to approve the preliminary plan with the understanding that the Board and the applicant acknowledge the existence of the sewer line along the northerly boundary of this property. The Town and the applicant will resolve the legal status of this existing sewer line by way of a legal instrument prior to final plan approval. The motion was seconded by member Griffin. Motion was approved by all members present.

Motion made by member Delgrande to delegate final plan approval to the Administrative Officer was seconded by member Griffin. Motion was approved by all members present.

SECRETARY'S REPORT

The Board was given one set of minutes to review. The minutes are for February 26, 2014. The Town Planner Al Ranaldi stated that he has reviewed these minutes.

Motion made by member Griffin to dispense with the reading of and approve the February 26, 2014 minutes was seconded by member Bostic. Motion was approved by all members present.

Motion made by member Griffin to adjourn and was seconded at 7:47 pm by member Delgrande. Motion was approved by all members present.

Respectfully submitted,

Russell Hervieux

Attached March TRC Report:

On March 19, 2014 at 11:00 AM, the Technical Review Committee met to review the agenda items for the March 26, 2014 meeting of the Planning Board. In attendance were Al Ranaldi, Peggy Weigner, Michael Gagnon, Russell Hervieux, John Faile, and Leslie Quish. Below are the Committee's recommendations.

Major Subdivision Review

a. Shekarchi Residence AP19 Lot147 Public Hearing – 7:00 PM

**- John and Julie Shekarchi 14 Lladnar Drive Preliminary Plan
Discussion /
Approval**

This application is under the 2005 Subdivision Regulations and

represents the subdivision of one lot into two residential lots. The proposed project is being reviewed at the major subdivision - preliminary plan review stage – public hearing. The project was elevated to a major subdivision due to the need for a dimensional variance. On January 22, 2014, the Planning Board gave Master Plan approval to the project. On February 4, 2014, the Zoning Board approved the requested dimensional variance.

On February 19, 2014, the project received a Certificate of Completeness. According to our Subdivision Regulations, the Planning Board shall, within one hundred twenty (120) days of certification of completeness or within such further time as may be consented to by the applicant, approve the preliminary plan as submitted, approve with changes and/or conditions, or deny the applicant, according to the requirements of Section 8. A decision on the preliminary plan review must be made by June 19, 2014, or within such further time as may be consented to by the applicant.

The preliminary plan submission included the following:

- A plan entitled, Proposed Subdivision/Concept Plan, Lincoln, RI, Plan of Land, John Shekarchi AP 19, Lot 147, dated August 13, 2013.**
- A letter from the Lincoln Water Commission dated December 2, 2013.**
- A letter from InSite Engineering Services, LLC dated December 6, 2013.**
- A report entitled, Proposed Two-Lot Subdivision, 14 Lladnar Drive,**

Lincoln, Rhode Island, Assessor's Plat No. 19 – Lot 147, Prepared for John Shekarchi, by Edward Pimentel, dated December 11, 2013.

- A report entitled Subject Block – Neighborhood Analysis, prepared for John Shekarchi, by Edward Pimentel, dated December 18, 2013.**
- A plan entitled, "Preliminary" Lincoln, RI, Minor Subdivision Prepared for Julie Shekarchi, Class 1 Survey of AP 19, Lot 147, Llanar Drive by Marsh & Long Surveying Inc. dated December 23, 2013.**
- A draft copy of a proposed Sewer Maintenance Agreement**
- A draft copy of a Restrictive Easement**

Site Layout

The Technical Review Committee reviewed the submission. The applicant owns a 12 acre +/- parcel of land on which their residence is located. The zoning district is RS-20. The applicant presented a concept plan that shows a four lot subdivision with a 242 foot long combined roadway and cul-de-sac. The existing residence would become one smaller lot and three new lots would be created. This plan as presented would meet all of the subdivision and zoning regulations.

The applicant feels that a two lot subdivision would be more appropriate based on the composition of the existing established neighborhood. The existing residence would become one smaller lot and the new lot would be set back from the reconfigured existing house lot and measure approximately 11 acres in size. Access to this lot would be from a 40 foot wide strip of land extending from the roadway. This 40 foot strip of land would serve as lot width. The required lot width for this zoning district is 120 feet and received the

required dimensional variance of 80 feet. The applicant will place a restrictive easement on the larger lot preventing any further subdivision or development from occurring.

During the Master Plan review stage, the Planning Board agreed with the applicant that the proposed two lot residential subdivision is consistent with the surrounding neighbor and represents a good planning decision for the existing established neighborhood. This determination was based on the supplied reports submitted by the applicant entitled: Proposed Two-Lot Subdivision, 14 Lladnar Drive, Lincoln, Rhode Island, Assessor's Plat No. 19 – Lot 147, Prepared for John Shekarchi, by Edward Pimentel, dated December 11, 2013, and a report entitled, Subject Block – Neighborhood Analysis, prepared for John Shekarchi, by Edward Pimentel, December 18, 2013.

Members of the TRC visited the site and the surrounding neighborhood in order to offer their recommendation of the character of the existing neighborhood. The TRC noticed that there is another existing residence on a large lot set back between two houses. The area's plat map shows a variety of odd shaped lots. The applicant hired a professional planner to perform an in-depth study of the surrounding neighborhood. This analysis found that approximately 44%, or 11 of the 25 lots, have deficient lot widths. The analysis also concludes that the surrounding neighborhood is made up of a variety of odd shaped lots. Based on the evidence supplied by the applicant, the Technical Review Committee also agreed that a four lot subdivision and a new roadway would not be consistent with the existing neighborhood. The TRC pointed out that the Town would

incur additional maintenance responsibilities for the new public infrastructure and that the reduction of the roadway and two residential lots will minimize any impacts to the surrounding wetlands.

Zoning Requirements

The proposed two lot subdivision was presented to the Zoning Board.

On February 4, 2014, a dimensional variance of 80 feet was granted by the Zoning Board. The reconfigured existing residential lot would have a lot width of approximately 135 feet while the proposed lot would have only 40 feet.

Utilities

An additional concern for any size subdivision is the sewer system. Currently, the existing residence and their neighbors share a private force main system that is located in the public roadway. This force main system connects to the Town's public sewer system at a manhole located up the street. The proposed lot would be connected to the public sewer system in the same manner. Allowing a private force main into a public roadway is not the policy of the Town and does not comply with the sewer ordinance; however, this situation currently exists without documentation.

The applicant worked with our Town Solicitor to memorialize this private force main system and develop a sewer maintenance agreement that outlines the responsibilities of the home owners that utilize this private sewer system and the responsibilities of the Town

as they relate to the system. The TRC would like the proposed agreement to reflect the four properties utilizing this private sewer system. This maintenance agreement will be recorded in the land evidence records.

The Technical Review Committee feels that the application successfully addresses all of the Town's subdivision regulations. No further technical review is needed. The TRC recommends Preliminary Plan approval with conditions. The approval conditions are as follows:

1. The applicant records the submitted restrictive easement on the proposed larger lot which states that no further subdivision or development of land would be allowed.
2. The applicant records in the land evidence records an approved sewer maintenance agreement that outlines the responsibilities of the property owners that utilize the private sewer system and the responsibilities of the Town. This agreement must specify the assessor's plat and lots of the properties involved.
3. Granite bounds shall be installed to mark the four corners that make up the 40' wide strip of land that contains the property's frontage.
4. All new houses must have a back-up generator for the proposed private force main system.
5. The applicant receives Narragansett Bay Commission permit before the final plan is recorded.

Major Land Development Review

a. 90 Industrial Circle AP 2 Lot 82 Preliminary Plan

- A.F. Homes, LLC Walker Street & Industrial Circle Discussion / Approval

This major land development project is to be reviewed under the 2001 Subdivision Regulations and represents the re-development of an existing 41,480 square foot mill building into forty (40) residential housing units. A use variance to allow residential use with 10% designated as affordable was granted by the Zoning Board on October 3, 2006. This project received Master Plan Approval with Conditions on April 25, 2007. There are eighty (80) off street parking spots proposed to be located in a parking lot in front of the building. There is an 11,646 square foot environmentally sensitive area at the northwest corner of the property.

On December 11, 2013, the project received a Certificate of Completeness. According to our Subdivision Regulations, the Planning Board shall, within one hundred twenty (120) days of certification of completeness or within such further time as may be consented to by the applicant, approve the preliminary plan as submitted, approve with changes and/or conditions, or deny the applicant, according to the requirements of Section 8. A decision on the preliminary plan review must be made by April 10, 2014, or within such further time as may be consented to by the applicant. The application is in front of the Planning Board for a Public Hearing. The preliminary plan submission included the following:

- Preliminary Plan Submission for Assessor's Plat 2, Lot 82 located at**

Walker Street and Industrial Circle, Lincoln, Rhode Island 02865, prepared by Cataldo Associates, Inc., dated June 24, 2013, revised through January 11, 2014,

- Soil Erosion and Sediment Control and Stormwater Management Report, prepared by Cataldo Associates, Inc., dated February 13, 2007, revised up to August 15, 2013,**

- A letter from RIDEM dated August 17, 2012 stating that the preliminary plans submitted and their proposed Soil Management Plan Narrative qualify for the existing commercial Environmental Land Use Restriction (ELUR) to be revised to allow restricted residential use of the property,**

- Soil Management Plan, prepared by Cataldo Associates, Inc., dated June 26, 2012 and stamped and signed on August 23, 2013,**

- An Underground Injection Control (UIC) approved permit from the Rhode Island Department of Environmental Management dated July 25, 2007,**

- Landscape Plan, for project AP 2, Lot 82 Walker Street and Industrial Circle, Lincoln, Rhode Island, prepared for A.F. Homes, 22 Kent Place, Cranston, Rhode Island 02905, no date was given.**

Below are the Technical Review Committee's review and recommendations.

Site Layout

The property currently contains a vacant 41,480 square foot mill building and associated parking area. The proposed project is to redevelop the mill building into forty (40) residential housing units. A

use variance to allow residential use was granted by the Zoning Board on October 3, 2006. According to the submitted plans, there will be one access point to the new parking area from Industrial Circle. Currently, there is no distinction between the roadway and the existing parking area. The applicant has proposed to install sidewalks and granite curbing along Industrial Circle.

The applicant is proposing to remove an existing roof to convert this existing elevated area located in the lower southwestern corner of the property into an outdoor patio area. The proposed outdoor patio area will be surrounded by a fence. Four ballads will be installed next to the stairs to protect future residents from wayward vehicles.

There is an 11,646 square foot environmentally sensitive area at the northwest corner of the property. An Environmental Land Use Restriction (ELUR) has been placed on this area by the Department of Environmental Management. The re-development of this area is governed by RIDEM. The plan authorizes the removal of an existing foundation as well as selective tree clearing and states that new planting will be installed. During the December Planning Board meeting, the TRC requested a detailed landscape plan for this area. The applicant submitted a landscape plan and planting list that contains enough details to address the buffering concerns of the TRC.

Parking and Storm Water Runoff

There are eighty (80) off street parking spots proposed to be located in redeveloped parking lot in front of the building. Stormwater runoff

from the parking lot will be captured and directed into an underground detention infiltration system. The RIDEM approved an Underground Injection Control (UIC) permit on July 25, 2007. While the submitted plans successfully address the parking needs according to our zoning regulations, the TRC noticed that the overall grade of the parking lot is somewhat steep and noted this concern to the applicant. The revised plan shows the placement of new parking lot lighting. The plans indicate that the proposed lighting plan is compliant with the Rhode Island Outdoor Lighting Control Act (RIGL 42-136) and local and National electrical codes.

Zoning Requirements

The site is currently zoned ML-0.5 and a use variance was granted for residential use. According to the Town's zoning regulations, "a parking area for more than 20 cars adjacent to or within a residential district shall have an opaque fence maintained between such parking area and the residential district." The regulations also allow compact evergreen screening not less than five feet in height to be substituted for the fence. This regulation applies along Walker Street and a portion of Smithfield Avenue. The applicant submitted a landscape plan and planting list that contains enough details to address the buffering concerns of the TRC.

Utilities

The project is proposed to be serviced by public water and sewer. According to the Lincoln Water Commission (LWC), the domestic

water service and the fire lines to the building are very old. Public water is available to the building; however, the applicant has been and must continue to work closely with LWC to design and install an upgraded water service that will meet the future needs of the building.

This water service upgrade will be part of the LWC's final plan approval process.

An existing and functioning sewer line runs through the upper portion of the property. The applicant researched the property deed to see if a utility easement is in place. According to the applicant, a utility easement does not exist. The Town asked the applicant if they would give the Town a utility easement for the future maintenance of the sewer line. The applicant agreed to this request. The Town Solicitor wrote a utility easement addressing the future needs of the Town. The TRC recommends that the applicant grants the easement and the Town records it as a condition of preliminary plan approval.

An existing drainage line runs along the front of the building. The Technical Review Committee and the Director of Public Works would like the applicant to evaluate the functionality and condition of this drainage line. The Town wonders if there are any roof drains connected to this drainage line. The Town and the applicant agreed that the best time to research the functionality and condition of the drainage line would be when the applicant is doing the required site work. The applicant's engineer recommends that the drainage line be exposed during the site work phase of the project and a visual examination be performed at that time. The applicant and the Town can proceed with any remedies if needed at that time. The Town will

be responsible for any improvements to the public infrastructure if needed. The TRC asked that a note be placed on the preliminary plans and construction plans indicating that an agreement is in place and that the applicant shall notify the Town at the appropriate time in construction so the Town can examine the drainage line running along the front of the building.

The Town also asked the applicant to evaluate whether an easement is in place with the Town. The applicant researched the property deed to see if a utility easement is in place for the drainage line. According to the applicant, a utility easement does not exist. If this drainage line is determined to be an active section of the Town's public infrastructure, the Town would like the applicant to give the Town a utility easement for the future maintenance of the drainage line. The applicant agreed to this request.

On February 26, 2014, this project reviewed by the public during a public hearing. There were no unforeseen concerns brought out during the hearing. Therefore, based on the Technical Review Committee reviews, Planning Board reviews, and the submitted plans and reports, the TRC recommends Preliminary Plan approval with conditions. The condition of approval is that the applicant grants and the Town records a utility easement for the existing and functioning sewer line running through the upper portion of the property for the future public maintenance of the sewer line.

Zoning Applications (*) – April Zoning Applications

**Silvia Savoretti, 4 Erica Drive, Lincoln, RI – Application for Special Use Permit to renew a Special Use Permit granted on May 5, 2009 for an accessory family dwelling unit at 4 Erica Drive, Lincoln, RI
AP 26, Lot 136 Zoned: RA 40**

Members of the Technical Review Committee reviewed the submitted application to renew a Special Use Permit for an existing accessory family dwelling unit. The Technical Review Committee recommends Approval of the request to renew the Special Use Permit granted on May 5, 2009 for the Accessory Family Dwelling Unit. The Technical Review Committee feels that renewing the special use permit will not alter the general character of the surrounding area and will not impair the intent and purpose of the zoning ordinance and the Comprehensive Plan.

Waterloo Way LLC, 3900 NW 2nd Avenue, Miami, FL – Application for Special Use Permit for indoor recreational use in an industrial facility located at 100 Higginson Avenue, Lincoln, RI.

AP1, Lot 133 Zoned: MG 05

Members of the Technical Review Committee visited the site and reviewed the submitted plans and application package. This property contains one very large commercial building and associated parking areas. Currently, a variety of businesses are located within this building and an outdoor commercial storage area is located in the front portion of the parking lot along Higginson Avenue. The applicant is proposing to expand the amount of businesses within the

building to include an indoor recreational use. The application shows the location of the existing businesses and the proposed business. The application also shows a proposed parking lot layout and parking space analysis.

The Technical Review Committee recommends Approval with Conditions for this application for a special use permit for an indoor recreational use in an industrial facility. The TRC encourages a variety of uses within large commercial facilities and complexes. The key to success for these large complexes is well defined parking areas. The application contains a proposed parking lot layout that appears to provide for well defined parking areas, safe vehicular travel into and within the site, and safe pedestrian passage to and from the businesses. However, a similar parking layout was presented and approved as part of a past zoning application for this property. The approved use moved into the building but the exterior parking lot layout was never developed. Therefore, as a condition of approval, the Technical Review Committee recommends that the parking lot layout be developed as shown within the application and that the parking lot most be complete before a certificate of occupancy is issued.

Brad Russo, 3 Rockycliff Drive, Lincoln, RI – Application for Dimensional Variance seeking front setback relief for the construction of a garage addition.

AP 45, Lot 105 Zoned: RA 40

Members of the Technical Review Committee visited the site and reviewed the submitted plans and application seeking a dimensional variance of the front yard setback for the construction of a garage addition. The Technical Review Committee recommends Approval of this application according to the submitted plans and application. The existing house was situated on an angle from the roadway and the front setback. The placement of the house offers a limited building envelope in which the applicant can expand off of the existing attached garage. The TRC finds that the applicant presents a realistic site layout that meets the intent of the zoning and is the least relief needed. The TRC feels that granting the dimensional variances will not impair the intent or purpose of the Zoning Ordinance, nor the Comprehensive Plan.

Domenic Grieco, 2 King Philip Road, Lincoln, RI- Application for Dimensional Variance seeking lot coverage relief for new house, pool and cabana located at 7 Christopher Drive, Lincoln, RI.

AP 42, Lot 113 Zoned: RA 40

Members of the Technical Review Committee visited the site and reviewed the recently revised plans and application. The revised plans and application eliminate the need for a dimensional variance. The applicant now seeks only lot coverage relief. The lot coverage relief is needed due to the addition of the proposed swimming pool and enclosed cabana. The existing 6,266 square foot house utilizes 14.75% of total lot coverage. The proposed total lot coverage would

be 18.8%. Therefore, a dimensional variance of 3.8% lot coverage relief is required.

The Technical Review Committee recommends Denial of the application for lot coverage relief for the construction of a proposed swimming pool and enclosed cabana. The Technical Review Committee feels that the application does not meet any of the standards for lot coverage relief as presented in the Zoning Ordinance. The applicant did not offer any compelling reasoning for their request within their application. The Technical Review Committee feels that the current site plan and application does not represent the least relief necessary and is not due to the unique characteristics of the subject land.

Correspondence/Miscellaneous (*)

a. Staff Reports